

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HICKS FAMILY LIMITED PARTNERSHIP,
A Michigan Limited Partnership,

Plaintiff,

CASE NO. 04-71640
HON. LAWRENCE P. ZATKOFF

v.

DWIGHT MILLER, INC.,
A Michigan Corporation, and
DWIGHT MILLER, Individually,

Defendants.

/

ORDER FINDING DEFENDANTS IN CONTEMPT

On July 8, 2004, this Court issued a Judgment in the above-captioned case. Pursuant to this Judgment, Defendants were enjoined from using the “Hicks” service mark in association with Defendants’ business. In addition, the Court retained jurisdiction over the action in order to ensure compliance with its injunction.

By its July 22, 2005 Motion for Order to Show Cause, Plaintiff asserted that Defendants had violated the Court’s injunction. In support, Plaintiff attached numerous exhibits purportedly showing how Defendants’ website is in violation of the Court’s injunction.

On August 2, 2005, the Court issued an Order to Show Cause, ordering Defendants to show cause by August 18, 2005 “as to why they should not be found in contempt of the Court’s injunction and Judgment, and as to why they should not be required to pay Plaintiff’s costs for bringing this motion.” Defendants have not responded to the Court’s August 2, 2005 Order to Show Cause.

The Court HEREBY FINDS Defendants to be in contempt of the Court’s July 8, 2004

injunction and Judgment. The Court HEREBY ORDERS Defendants to pay Plaintiff's costs for bringing its July 22, 2005 Motion. In addition, the Court HEREBY ORDERS Plaintiff to file an affidavit detailing its costs by September 30, 2005.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 1, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 1, 2005.

s/Marie E. Verlinde
Case Manager
(810) 984-3290